

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard J. Manzolati) Examiner: Philip H. Nguyen
Serial No.: 10/072,776) Art Unit: 2191
Cnfrm. No.: 2022)
Filed: February 11, 2002)
For: A METHOD AND SYSTEM FOR)
OPTIMIZING PERFORMANCE)
OF AN APPARATUS)

RESPONSE

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the telephonic call by the Examiner of record on October 28, 2008, Applicant respectfully requests the Office to reconsider and to enter the attached specification as originally filed, which includes page 2 that apparently was not scanned by the Patent Office originally. As evidence, please also see attached the stamped postcard receipt dated February 11, 2002 which indicates that **12 pages** of specification were filed with 21 claims. Therefore, clearly page 2 of 12 pages of the specification was received by the Patent Office on February 11, 2002 but was never scanned into the system. It should be noted that page 2 contains the Summary of the Invention and the Brief Description of the Drawings both of which show no new matter. Further, it is unclear to the Applicant how page 2 was missed by the Patent Office, both in the U.S. Pat. Pub. 2003/0153996 and during over 6 years of prosecution history.

In view of all of the foregoing, Applicant requests the continued allowance of this application. Prompt notification of the same is earnestly solicited.

Respectfully submitted,

Date: October 28, 2008

/Sean A. Pryor, Reg. # 48103/
Sean A. Pryor

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Attachments: As-filed Specification
Stamped Postcard Receipt dated February 11, 2002